



# NEWS

*from the U.S. Fish and Wildlife Service*

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**AGENCIES PROPOSE A "NO SURPRISES" POLICY  
TO PROVIDE CERTAINTY TO PRIVATE LANDOWNERS**

A "No Surprises" policy to provide assurances to landowners who are participating in habitat conservation plans for endangered species was officially proposed as a regulation today by the Interior Department's U.S. Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service.

The policy, which was codified in response to a suit filed in 1996 by the Spirit of the Sage Council and settled last March, says that the Federal government will not require landowners who are complying in good faith with the terms of an HCP permit to provide additional land or financial compensation for species covered under a properly functioning HCP. Neither Federal agency will seek any any other form of additional mitigation except under unforeseen circumstances.

"Landowners with private or commercial land have a legitimate concern," said Interior Secretary Bruce Babbitt. "They want some assurance that, once they agree to be a party to an HCP and to mitigate the effects of their activities on listed species, we won't come back later for a second bite from the apple. 'No Surprises' addresses that concern in a very concrete way: like its name, it signifies that a deal is a deal and that there will be no surprises down the road."

"For the past 2 years, we have been experimenting with ways to make the Endangered Species Act more flexible and effective," said Terry Garcia, the Commerce Department's Acting Assistant Secretary for Oceans and Atmosphere. "We look forward to hearing from the public about whether the 'No Surprises' experiment is working."

Both Federal agencies began implementing the "No Surprises" policy for HCPs in 1994 and credit the policy with protecting habitat on more than one million acres of private land, that is not required under the Endangered Species Act, and attracting hundreds of private landowners to the table to establish HCPs for endangered species. More than 200 such plans have been established and another 200+ are being developed.

In exchange for conservation commitments, the "No Surprises" policy provides participating landowners with regulatory certainty. The policy is being proposed as a permanent regulation in today's Federal Register.

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In 1982, Congress authorized habitat conservation plans, designed to protect a species while allowing economic development and encouraging "creative partnerships" when it became apparent that the Endangered Species Act lacked such a mechanism. An HCP allows both agencies to permit "taking" of endangered or threatened species on private land incidental to otherwise lawful activities when the land has been studied by qualified scientists as part of an HCP planning process and habitat conservation areas or other mitigation measures have been taken to protect species under the Endangered Species Act.

Written comments will be accepted during a 60-day public comment period and may be mailed to Chief, Endangered Species Division, U.S. Fish and Wildlife Service (452 ARLSQ), 1849 C St. NW., Washington, DC 20240, or to Chief, Endangered Species Division, National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, Maryland 20910.